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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,092	09/12/2000	Faroog Ullah Khan	3-53	7324

46290 7590 12/07/2005

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EXAMINER	
PHAN, TRI H	

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/660,092	KHAN ET AL.	
	Examiner	Art Unit	
	Tri H. Phan	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 13-19* is/are pending in the application.

4a) Of the above claim(s) *8-12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 13-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on August 9th, 2005. Claims 8-12 are now canceled and new claims 13-19 are added. Claims 1-7 and 13-19 are now pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by **Crisler et al.** (U.S.5,477,550; hereinafter refer as '**Crisler**').

- In regard to claim 1, Crisler discloses, *a method for receiving information in a communication system, the method comprises the step of: deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in the received information* (col. 4, lines 23-30 where the error coding acts as a status flag indication by indicating that the received information has coding applied to it, the error coding is included in a field of the message as read in col. 3, lines 3-5) *and a decoding operation performed on the received information* (col. 4, lines 30-46 where the error coding is used in a

decoding operation peformed on the received information and the appropriate confirmation message, either a "message-received" or "partially-received" is sent based on the decoding results).

- In regard to claim 13, Crisler discloses, *a method for receiving information in a communication system, the method comprises the step of deciding which of a plurality of confirmation messages to transmit based on an information status flag contained in the received information* (col. 4, lines 23-30 where the error coding acts as a status flag indication by indicating that the received information has coding applied to it, the error coding is included in a field of the message as read in col. 3, lines 3-5), *the information status flag indicating that the received information comprises at least one of new and continue information* (col. 4, lines 23-46 where errors detected is an unsuccessful decoding operation and a "partially-received" communication includes the particular received message's identification number as well as the block identification number is sent to negatively confirm this as specified in col. 4, lines 30-46, e.g. "*received information comprises a continue information*"), *and a decoding operation performed on the received information*(col. 4, lines 30-46 where the error coding is used in a decoding operation peformed on the received information and the appropriate confirmation message, either a "message-received" or "partially-received" is sent based on the decoding results).

- In regard to claims 2 and 14, Crisler discloses, the method of claim 1 *wherein the step of deciding which of the plurality of confirmation messages to transmit comprises waiting for NEW*

information (col. 4, lines 30-46 where all NEW, e.g. not previously received, information will need to be acknowledged by one of the confirmation messages).

- In regard to claims 3 and 15, Crisler discloses, the method of claim 1 *further comprising waiting for NEW information after a positive confirmation message was transmitted* (col. 4, lines 30-46 where after a positive confirmation message, e.g. message-received, is sent, the receiver will inherently wait for NEW information, it doesn't simply stop receiving because it previously positively acknowledged received information).

- In regard to claims 4 and 16, Crisler discloses, the method of claim 1 *further comprising transmitting a positive confirmation message after receiving NEW information while waiting for either NEW or CONTINUE information* (col. 4, lines 30-46 where after a positive confirmation message, e.g. message-received, is sent, the receiver will inherently wait for NEW information, it doesn't simply stop receiving because it previously positively acknowledged received information; further, receiver of Crisler is capable of waiting for CONTINUE, e.g. retransmitted, data while receiving NEW information as read in col. 5, lines 10-40), *decoding said received NEW information successfully and discarding any previously received information* (col. 5, lines 36-40 where the transmission acknowledgement positively confirms the message and the unbuffering is the act of discarding previously received and positively acknowledged information).

- In regard to claims 5 and 17, Crisler discloses, the method of claim 1 *where the step of deciding which of the plurality of confirmation messages to transmit further comprises transmitting a positive confirmation message if the received information is NEW information and the decoding operation was successful* (col. 4, lines 30-35 where no errors is a successful decoding operation and a "message-received" communication is sent to positively confirm this).

- In regard to claims 6 and 18, Crisler discloses, the method of claim 1 *where the step of deciding which of the plurality of confirmation messages to transmit further comprises transmitting a negative confirmation message if the received information is NEW information and the decoding operation was unsuccessful* (col. 4, lines 36-38 where errors detected is an unsuccessful decoding operation and a "partially-received" communication is sent to negatively confirm this).

- In regard to claims 7 and 19, Crisler discloses, the method of claim 6 *further comprising the steps of waiting for CONTINUE information after the negative confirmation message was transmitted* (col. 4, lines 53-60 where the retransmission of the blocks that contained errors is in response to the negative consrmation message); *combining received CONTINUE information with previously received information* (col. 4, lines 56-60 when retransmitted data is received it is combined with the previously received information that did not contain errors so as to make a complete message); *and performing a decoding operation on the combined information* (col. 4, lines 24-28 where although it is a retransmission, it still must pass the error detection, e.g. decoding, before being allowed to be reconstituted into the buffered data).

Response to Amendment/Arguments

4. Applicant's arguments filed on August 9th, 2005 have been fully considered but they are not persuasive.

Perhaps applicant refers to certain features that are disclosed in the present application but not recited in the rejected claims in making the contention that the ***Crisler*** reference fails to show certain feature of applicant's invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).*

Regarding claim 1, applicant argues that the error detection field of **Crisler** is not the same as applicant's "information status flag" because they serve different purposes and contain different types of information (REMARKS, pages 1 and 2). Therefore, **Crisler** does not read on applicant's claimed invention. The examiner respectfully disagrees.

First, applicant contends that the error coding/detection field of **Crisler** is different from applicant's invention is that the "information status flag provides information indicative of the status (i.e. new or continue information)". There is no indication in the claim language that the status flag contains such information regarding other transmitted blocks and it would be inappropriate to read such a limitation into the claim.

Regarding the error detection field: as read in **Crisler**, col. 3, lines 3-5 and col. 4, lines 30-46 the error detection field along with the error coding field associated with a sent message are used to determine whether the message was received in error and which confirmation

messages to send and where, if errors detected is an successful/unsuccessful decoding operation, a "message-received" or "partially-received" communication includes the particular received message's identification number as well as the block identification number is sent to positively/negatively confirm this as specified in col. 4, lines 30-46. The error coding of **Crisler** is not explicitly used as a "status flag" of applicant's invention. However, the error coding indication is transmitted in a field, which is the functional equivalent of the status flag of applicant's invention as it informs the receiver of the status of the received message, i.e. the data is encoded. Therefore, **Crisler** fully reads on applicant's claimed invention.

Claims 2-7 are rejected as in Part 3 above of this Office action and by virtue of their dependence from claim 1.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Balachandran et al. (U.S.6,778,558), **Furuskär et al.** (U.S.6,704,898) and **Rudrapatna et al.** (EP1,298,829) are all cited to show devices and methods for improving the transmission in the telecommunication architectures, which are considered pertinent to the claimed invention.

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BRIAN NGUYEN
PRIMARY EXAMINER

Tri H. Phan
December 1, 2005